

REMARKS

Applicant has now had an opportunity to carefully consider the Examiner's action, and respectfully submits that the subject application is now in condition for allowance based upon the amendments presented herein and the following remarks.

Pending Claims

The subject application was originally filed with 3 claims. By amendment, Applicant has added new claims 4-8 to the subject application. Upon entry of this Amendment, claims 1-8 will be pending in the subject application.

Summary of Office Action

In the Office Action dated January 20, 2006, the Examiner:

- (1) rejected claims 1-3 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; and
- (2) rejected claims 1-3 under 35 U.S.C. § 102(b) as being clearly anticipated by U.S. Patent No. 5,669,132 issued to Brimmer ("the '132 patent").

Annotated Version of Amended Claim 1

Pursuant to the Examiner's request, Applicant has provided below an annotated version of amended claim 1 that includes reference numerals in parentheses after each element:

1. A tool (10) for cutting and stripping a sheath (12) from an electrical cable (14), the electrical cable (14) having a spaced pair of insulated power conducting wires (16), a ground wire (18) disposed between the power conducting wires (16), and the sheath (12) surrounding the power conducting and ground wires (16,18), the sheath (12) having a pair of spaced side portions (12A) that contain the power conducting wires (16) and a central portion (12B) disposed therebetween that contains the ground wire (18), the tool (10) comprising:

- a) a pair of levers (30,32) having jaw (38,40), boss and handle (34,36) portions;

b) a pivot (42) joining the boss portions to enable relative movement of the levers (30,32) about the pivot (42) between open and closed positions;

c) the jaw portions (38,40) each having blade sections (24C,26C) for coactively circumferentially severing the sheath (12) when the levers (30,32) are moved from the open to the closed position;

d) each blade section (24C,26C) having a set of three aligned cutting parts of a cutting edge (24,26), the set of three cutting parts including a spaced pair of end cutting parts (24A,26A) being contoured to cut the side portions (12A) of the sheath (12) and a raised middle cutting part (24B,26B) between the end cutting parts (24A,26A) for cutting the central portion (12B) of the sheath (12); and

e) the cutting parts together forming a cable wire receiving opening (54) when the levers (30,32) are in the closed position, the cable receiving opening (54) being of a configuration smaller than the configuration of the sheath (12), such that the sheath (12) is circumferentially severed when the levers (30,32) are moved from the open to the closed position.

Rejection under 35 U.S.C. § 112, Second Paragraph

In response to the Examiner's request to indicate what exactly Applicant intends to claim, Applicant asserts that it intends to claim the subcombination alone – the tool. The references to an “electrical cable,” “a sheath,” etc. are merely recited to provide the environment in which the tool is used. To clarify its intent, Applicant has amended claim 1. In light of Applicant's assertion and the amendments made to claim 1, Applicant requests that the rejection of claims 1-3 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Rejections to Claims 1-3 under 35 U.S.C. § 102(b)

As discussed above, claims 1-3 were rejected under 35 U.S.C. § 102(b) as being anticipated by the '132 patent. For at least the following reasons, Applicant traverses this rejection.

The '132 patent fails to disclose each and every limitation of amended claim 1. Specifically, the '132 patent fails to disclose cutting parts that "circumferentially sever" the sheath when the levers are moved from the open to the closed position as recited in amended claim 1. Instead, the tool of the '132 patent is designed to sever "the outer sheath 52 of the cable 50 everywhere except the extreme opposed sides 52C of the sheath 52 (FIG. 3)" (the '132 patent, col. 6, lines 3-6). In fact, leaving "the extreme opposed sides of the sheath uncut" is an object of the invention (the '132 patent, col. 2, lines 6-8). Therefore, the '132 patent cannot anticipate amended claim 1.

Additionally, the '132 patent lacks a tool having a raised middle cutting part that is "arcuate with end portions curving toward a longitudinal axis of the tool" as recited in claim 2. Instead, the '132 patent includes a tool having a raised middle cutting part that is straight (see FIG. 2 of the '132 patent).

For at least these reasons, the § 102(b) rejection with respect to claims 1-3 is unsupported by '132 patent, and should be withdrawn.

New Claims

By amendment, Applicant has added new claims 4-8. These new claims do not introduce new matter as they are supported by the specification (see e.g., page 8, lines 1-3 regarding claims 4 and 8; claim 5 is similar to claim 1, but varies in scope; claims 6 and 7 track claims 2 and 3 as filed, respectively). Additionally, consideration of these new claims should not require an additional search. Applicant respectfully submits that new claims 4-8 are patentable in light of the prior art of record.

Conclusion

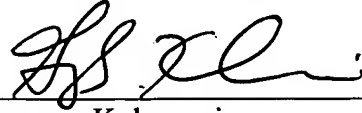
In view of the remarks above and the amendments presented herein, it is believed that claims 1-8 are in condition for allowance and notice to such effect is respectfully requested. If the Examiner thinks a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at the phone number provided below.

The Commissioner is authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-2051, identifying our Docket No. 24685-113.

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By:

Respectfully submitted,



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